



# Wylie City Council

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## Minutes

### Wylie City Council Meeting

Tuesday, May 10, 2011 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

### CALL TO ORDER

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*Announce the presence of a Quorum.*

Mayor Eric Hogue called the meeting to order at 6:00 p.m. with the following Wylie City Council members present: Mayor Pro Tem Red Byboth, Councilwoman Kathy Spillyards, Councilman Carter Porter, Councilman Rick White, Councilman David Goss, and Councilman Bennie Jones.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Police Chief, John Duscio; Finance Director, Linda Bantz; Planning Director, Renae' Ollie; Public Services Director, Mike Sferra; City Engineer, Chris Holsted; WEDC Executive Director, Sam Satterwhite; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

### INVOCATION & PLEDGE OF ALLEGIANCE

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Former Mayor William Martin gave the invocation and former Mayor Jim Swartz led the Pledge of Allegiance.

### PRESENTATIONS

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- **Unveiling and Dedication of the City of Wylie Seal**

Public Information Officer Kelly addressed council stating that in 2008 the council adopted an Official City Seal with a design that focused on the rich history of Wylie and its incorporation in 1887 along the tracks of the Gulf, Colorado and Santa Fe Railway.

He acknowledged Carol Gardner, Savage Precision Fabrication and Charles and Betty Lutz, Lutz Woodworks, two of Wylie's finest companies, who partnered with the City in a spirit of community, ingenuity and hard work to create the 4 foot in diameter, wood and aluminum city seal. Kelly extended a special thank you to Construction Manager Shane Colley for his work installing the seal.

Mayor Hogue unveiled the Official City Seal that will hang in the Wylie Council Chambers.

- **Nik Molina from Birmingham Elementary won the raffle for Mayor for a Day.**

Mayor Hogue introduced Nikolas Molina as honorary "Mayor of the Day". Nikolas won the honor by out bidding all other students in the Birmingham Elementary School Parent Teachers Association's silent auction to raise funding for the association. Nikolas has also been a Star Student and serves as weatherman on the Bear News Network. Junior Mayor Molina assisted Mayor Hogue for the remainder of the meeting.

- **Proclamation EMS Week: May 15<sup>th</sup> – 21<sup>st</sup>**

Mayor Hogue and Mayor Pro Tem Byboth presented a proclamation to Captain Robert Ballard and Police Chief Duscio proclaiming May 15<sup>th</sup> through May 21<sup>st</sup> as EMS Week.

### **CITIZENS COMMENTS ON NON-AGENDA ITEMS**

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*Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.*

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Former Mayor Swartz addressed council thanking them for presenting a resolution on the agenda tonight for designation of the old Truett and Rita Smith Public Library to be used as a Senior Center in the future.

### **CONSENT AGENDA**

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*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

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- A. **Consider, and act upon, approval of the Minutes of the April 26, 2011 Regular Meeting of the Wylie City Council and the Minutes of the May 3, 2011 Special Called Work Session of the Wylie City Council. (C. Ehrlich, City Secretary)**
- B. **Consider, and act upon, authorizing the City Manager to terminate an Ad Valorem Tax Abatement and Sales Tax Reimbursement Agreement between the City of Wylie, the Wylie Economic Development Corporation, Greenway-Springs, Ltd., Greenway-Columbia, L.P., and Greenway-Wylie, L.P. (S. Satterwhite, WEDC Executive Director)**
- C. **Consider and act upon authorizing the City Manager to enter into a Compromise Settlement Agreement and Release between the City of Wylie and ARCHITEXAS, effective May 2, 2011; ratifying all actions taken by the City Manager to effectuate the settlement. (M. Manson, City Manager)**

### **Council Action**

A motion was made by Councilman White, seconded by Councilman Porter to approve the consent agenda as presented. A vote was taken and the motion passed 7-0.

## **REGULAR AGENDA**

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### **Public Hearings**

- 1. Hold a Public Hearing and consider and act upon a Replat for Keller's First Addition, Lots 1R-1 & 2, Block 3, to combine 2 lots into a single lot for the development of a medical office and to create Lot 2 for future development.**  
*(R. Ollie, Planning Director)*

### **Staff Comments**

Planning Director Ollie addressed council stating that the property totals 1.115 acres and would create one Commercial lot (Lot 1R-1, Block; 3) consisting of 0.494 acres and one commercial lot (Lot 2, Block 3) being 0.621 acres in size. Lot 1R-1 is situated in both the Commercial Corridor District and within the Downtown Historic District. The property was originally platted in the early sixties as Keller's First Addition and has undergone several replats since that time. Councilwoman Spillyards asked Planning Director Ollie if this approval would set any type of precedence in the Downtown Historic District. Planning Director Ollie replied she did not think it would set any type of precedence due to it being a transition lot.

### **Public Hearing**

Mayor Hogue opened the public hearing at 6:30 p.m. asking anyone present wishing to address council on the Keller's First Addition re-plat to come forward and limit their comments to three minutes.

No one was present to address council on this item

Mayor Hogue closed the public hearing at 6:32 pm.

### **Council Action**

A motion was made by Councilman White, seconded by Councilwoman Spillyards to approve the re-plat for Keller's First Addition, Lots 1R-1 and 2, Block 3, to combine 2 lots into a single lot for the development of a medical office and to create Lot 2 for future development. A vote was taken and the motion passed 7-0.

- 2. Hold a Public Hearing and consider, and act upon amending Zoning Ordinance 2005-58, Article 4, Section 4.3 Nonresidential Design Standards (F. Architectural Features); regarding exterior building materials. ZC2011-04** *(R. Ollie, Planning Director)*

### **Public Hearing**

Mayor Hogue opened the public hearing at 6:45 p.m. asking anyone present wishing to address council on Zoning Case 2011-04 to come forward and limit their comments to three minutes.

No one was present to address council on this item

Mayor Hogue closed the public hearing at 6:45 pm.

## **Staff Comments**

Planning Director Ollie addressed council stating that the current Zoning Ordinance requires brick as the primary exterior building material for nonresidential construction. The ordinance also requires at least 20 percent stone on the front façade.

*Primary materials for buildings in the NS, CR, CC, BG, LI & HI districts shall be constructed of brick with at least 20 percent stone on the front façade including, but not limited to brick, stone, cast stone, decorative concrete or stucco. Tilt wall construction is permissible in LI and HI districts.*

Ollie explained that the ordinance calls for visual variety and/or architectural detailing and to utilize two complementary primary façade materials. Again, the only allowed primary material is brick. Ollie noted the proposed amendment would clearly define primary exterior materials for non-residential development as well as secondary materials. This amendment would allow for flexibility, while also achieving the required visual variety and ensuring durability of materials.

She explained "brick" was defined by the Brick Industry Association as: **Brick** is a solid masonry unit of clay or shale, formed into a rectangular prism while burned or fired in a kiln.

**Masonry** is brick, stone, concrete, etc., or masonry combinations thereof, bonded with mortar.

In the proposed changes, all commercial buildings constructed on property zoned NS, CR, CC, BG, LI, and HI shall be masonry on all sides, exclusive of windows, doors, roofs, glass construction materials or sidewalk and walkway covers. Masonry materials shall mean and include brick, stone, cast stone, decorative concrete block, stucco or concrete block. Concrete tilt wall is permissible in LI and HI districts.

Ollie noted that EIFS, and/or cementitious fiberboard shall not be considered acceptable primary material but shall be accepted when applied as accent or architectural features and applied to not more than 20% of any facade. *EIFS is a type of lightweight synthetic wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system. Cementitious Fiberboard (Hardie Plank) is composite material made of cement, finely ground sand, natural fibers and water (typically 90% Portland cement and sand with a wood pattern).* If adopted, these amendments shall not apply to the Downtown Historic District or the South Ballard overlay District.

Ollie explained that an Appeals process will be established by this amendment. In the event an applicant desires alternative design and exterior material inconsistent with adopted standards the aggrieved person must submit in writing to the Planning Department, a request within 10 business days of the Director's decision. The request will then be forwarded to City Council in a reasonable time for consideration. The decision of the Council shall be final.

Ollie reported the P & Z Commission voted 5-0-1 to recommend approval.

## **Council Discussion**

Councilman Porter asked if the Hardie-plank could be used as a substitute for wood if an existing building needed repair. Planning Director Ollie replied that if 75% of the building was destroyed they would be required to build back at current standards; Hardie-plank was not approved as an exterior product only brick. Councilman Goss reported there was a difference between Hardie-plank and Hardie-board. He explained that Hardie-plank is the finished product exposed to view, while Hardie-board is a backer board product not generally exposed to the exterior of buildings.

**Steve Wright** residing at 113 Winding Oaks, Wylie addressed council stating that he attended the Planning and Zoning meeting and wanted to explain the Hardie-Plank discussion. There seemed to be the same confusion with plank and board. He stated that in his opinion the Hardie-plank was more

sustainable and held up longer than wood and other products. He asked that council consider the use of Hardie-Plank. He noted that the material would provide LEED points.

**Bob Heath** residing at 4506 East Parker Road, Parker, TX addressed council stating that a few years ago he completed some re-models using the Cementitious Fiberboard (Hardie Plank) He reported that the project turned out very well and has lasted over the past 15 years. He recommended using this material for the proposed ordinance. Mayor Hogue asked if he would use this material for commercial as well as resident development. Mr. Heath replied that he would.

Councilman Porter asked that council consider using Cementitious Fiberboard as a primary exterior material. Planning Director Ollie replied that if this material is approved, council would not see those items that meet the criteria for using this material, as site plans are final approved by the Planning and Zoning Commission. In approving this material the council is allowing this material for all commercial buildings. On the other hand if it was approved through a PD, all materials would be presented to council prior to approval and based on the proposal submitted.

Mayor Pro Tem Byboth had concerns that if the Cementitious Fiberboard (Hardie Plank) was not allowed as a primary material, the City would loose commercial development to another city. Planning Director Ollie reported that the only city in the area that allows Cementitious Fiberboard (Hardie Board) by right is Frisco.

### **Council Action**

A motion was made by Mayor Pro Tem Byboth, seconded by Councilman Goss to amend Zoning Ordinance 2005-58, Article 4, Section 4.3 Nonresidential Design Standards regarding exterior building materials as proposed with the addition of Cementitious Fiberboard (Hardie Plank) as a primary exterior material for non-residential buildings. A vote was taken and the motion passed 7-0.

### **General Business**

3. **Consider, and act upon, the appointment of a 2011 Board and Commissions City Council Interview Panel to conduct the May/June 2011 board applicant interviews.**  
*(C. Ehrlich, City Secretary)*

### **Staff Comments**

City Secretary Ehrlich addressed council stating that each year the City Secretary's Office solicits and compiles applications from Wylie residents wishing to serve on various Wylie Boards and Commissions. These applications are received through the year until May 25<sup>th</sup> of each calendar year. Additionally, in May/June of each year, the applications are compiled into appointment timeframes to allow the three council member panel time to interview each applicant and subsequently choose a list of applicants to recommend to the full Council to serve two year terms on the various boards. The terms are staggered so each year approximately half of the members serving on each board and commission are appointed.

Proposed interview meeting dates will be Wednesday May 25, 2011, Thursday, May 26, 2011, and Wednesday, June 1, 2011 from 6:00 p.m. - 9:30 p.m. each night. Immediately following the final Wednesday night interviews, the panel will deliberate on recommendations to be submitted to council at the June 14, 2011 regular meeting. This timeline for approval by June 14<sup>th</sup> will allow time for each member to be sworn in at the June 28<sup>th</sup> council meeting and begin their terms on July 1, 2011.

### **Council Discussion**

Mayor Hogue explained this item was placed on the agenda tonight due to the timeline for approval and administration of the oath of office prior to July 1<sup>st</sup> so they are ready to attend the first meeting in July.

Councilman Porter asked if the item could be postponed until after the May 14th election to allow incoming elected officials to have the opportunity to serve on the selection panel. Councilman Jones concurred. Mayor Hogue explained the process had been put on this agenda so the process could begin by the first interview date of May 25<sup>th</sup>. Councilman Goss asked the item be presented either at the meeting of the 24<sup>th</sup> or a special called meeting to stay on the timeline proposed.

Mayor Hogue asked if this item was tabled to the meeting of the 24<sup>th</sup> of May, could members nominated start the interview process on the 25<sup>th</sup> as proposed. All council members concurred these dates would work.

**Pam Engstrom** residing at 1204 Lonesome Dove Trail, Wylie TX stated that she was pleased that the council had decided to wait until after the election to nominate panel members. She noted that doing otherwise appeared to the outside that council was "Ram-Roding" the selection process through before the two seats are decided upon. Engstrom also suggested alternating the council members serving on the panel so all council members had an opportunity to serve on the Boards and Commissions Interview Panel.

City Manager Manson asked council if everyone was good with the interview dates of May 25<sup>th</sup>, 26<sup>th</sup> and June 1<sup>st</sup> so staff could set up those interviews. Council members agreed to those dates.

### **Council Action**

A motion was made by Councilman White, seconded by Councilman Jones to table consideration of the 2011 Boards and Commissions Interview Panel to the May 24, 2011 City Council Meeting. A vote was taken and the motion passed 7-0.

- 4. Consider and act upon, the appointment of a board member to the North Texas Municipal Water District Board to fill an expired term of June 1, 2011 to May 31, 2013. (C. Ehrlich, City Secretary)**

### **Staff Comments**

City Secretary Ehrlich addressed council stating that the Board of Directors of North Texas Municipal Water District is a policy making body similar in nature to the City Council. The Board is responsible to both the State of Texas and to the member cities for assuring that NTMWD operations occur in accordance with state and federal law, in alignment with NTMWD policy, and in the best interests of the cities receiving services

NTMWD's existing Board (18 member cities) is comprised of individuals who have worked to represent their communities in other capacities and who have a solid understanding of municipal concerns to share with other Directors. Historically, Directors have dedicated from 10 to 30 years of service to the Board, thereby gaining experience and contributing the necessary leadership. This provides the maximum benefit in order to assure the city's needs are met in the most effective manner. " Under other state law, no other government official that receives compensation could be appointed. NTMWD is requesting that by majority vote, the Wylie City Council reappoint Mr. Robert Thurmond, Jr. or appoint another Director to serve a term from June 1, 2011 to May 31, 2013.

The City of Wylie has two board members on the NTMWD Board; Mr. Marvin Fuller whose term expires May 31, 2012 and Mr. Robert Thurmond Jr, whose term expires May 31, 2011. Mr. Thurmond stated that he would be willing to serve another term. The City Council will need to make this appointment before the term expires May 31, 2011.

### **Council Action**

A motion was made by Councilman Porter, seconded by Mayor Pro Tem Byboth to re-appoint Mr. Robert Thurmond, Jr to the North Texas Municipal Water District Board of Directors. A vote was taken and the motion passed 7-0.

- 5. Consider, and act upon, authorizing the City Manager to enter into a contract with Pavement Restoration Inc. in the amount of \$55,792.00 for asphalt surface maintenance on City streets. (M. Sferra, Public Services Director)**

### **Staff Comments**

Public Services Director Sferra addressed council stating that as asphalt ages from exposure to the sun and elements; the asphalt oxidizes and becomes brittle and prone to cracking. Pavement Restoration, Inc. provides a service whereby they apply petroleum oils and resins to asphalt streets. This product penetrates into the existing asphalt to replenish the loss of original oils and resins. The result is that the asphalt is restored, becomes flexible instead of brittle, and the life of the streets are extended for another five to seven years. At that point, the process can be repeated again to further extend the life of the street even more. This product has been used by other cities and counties in Texas with good results. Staff has checked references at the City of Lubbock, City of Brownsville, and Travis County and found that these entities are very satisfied with the product and the contractor. They have multi-year contracts for the service and agree that it is a cost-effective measure over the traditional milling and overlay process. Sferra explained this process is more cost effective than traditional milling and overlays. Sealant costs \$1.00/sq. yd. to apply versus traditional milling and overlay which costs \$7.00 to \$10.00/sq. yd. to install.

Sferra explained the product has been used by other cities and counties in Texas with good results. Staff has checked references at the City of Lubbock, City of Brownsville, and Travis County and found that these entities are very satisfied with the product and the contractor. They have multi-year contracts for the service and agree that it is a cost-effective measure over the traditional milling and overlay process.

### **Council Action**

A motion was made by Mayor Pro Tem Byboth, seconded by Councilman Porter to authorize the City Manager to enter into a contract with Pavement Restoration, Inc. in the amount of \$55,792 for asphalt surface maintenance on City streets. A vote was taken and the motion passed 7-0.

- 6. Consider, and act upon, authorizing the City Manager to execute an agreement with U.S. ROW for right-of-way acquisition services for the Stone Road Phase II paving project. (C. Holsted, Engineering Director)**

### **Staff Comments**

City Engineer Holsted addressed council stating that the Stone Road Phase II project includes approximately 2,800 linear feet of a 4-lane paving section from Akin Lane to W.A. Allen Blvd and approximately 1,900 linear feet of paving of FM 544 south of Stone Road to Collins Blvd. 1,300 linear feet of off-site drainage is also included in the project. The construction plans are 90% complete and the projected construction cost for the project is \$4.7 million.

Councilman Goss asked what the timeline was for the project. City Engineer Holsted replied the acquisitions would be complete within six months and construction in 1 year from acquisition.

### **Council Action**

A motion was made by Councilman Goss, seconded by Councilwoman Spillyards to authorize the City Manager to execute an agreement with U. S. ROW for right-of-way acquisition services for the Stone Road Phase II paving project. A vote was taken and the motion passed 7-0.

7. **Consider, and act upon, Resolution No. 2011-11(R) designating the former Library building, located at 800 Thomas Street, to be set aside and reserved for use as a new Senior Citizen Center.** (*M. Manson, City Manager*)

### **Staff Comments**

At the request of Mayor Hogue, this item has been placed on the agenda for Council consideration. A consensus was reached during FY 2010-11 Budget Work Sessions that the former Library building be reserved for future use as a new Senior Citizen Center; however, no formal action has been taken to ratify that decision. The Resolution is intended to formally designate and reserve the former Library for the use of a Senior Citizen Center and to memorialize that decision.

### **Council Action**

A motion was made by Councilman White, seconded by Councilman Porter to adopt Resolution No. 2011-11(R) designating the former Library building, located at 800 Thomas Street, to be set aside and reserved for use as a new Senior Citizen Center. A vote was taken and the motion passed 7-0.

## **WORK SESSION**

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- **Remodel and Design of Public Safety Building, (Old Municipal Complex)**  
(*J. Butters, Assistant City Manager*)

Assistant City Manager Jeff Butters introduced Bryan Rogers representing Better Design Resources LLC who was retained for the Wylie Public Safety Building remodel design. Mr. Rogers presented the proposed changes to the building including offices and public spaces for Police, Fire, and Municipal Court. Council discussed options for repair/replacement of the existing roof and costs associated with these options to be brought back to council at a later date.

Direction from council was to move forward with the preliminary design.



## ADJOURNMENT

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With no further business before the Wylie City Council, a motion was made by Councilman White, seconded by Councilman Jones to adjourn the meeting at 8:26 p.m. A vote was taken and the motion passed 6-0 with Mayor pro tem Byboth absent.

  
M. G. "Red" Byboth, Mayor Pro Tem

ATTEST:

  
Carole Ehrlich, City Secretary



